

### **REMARKS**

This Supplemental Response is being filed in response to the Office Action mailed October 2, 2006 and in furtherance of the Amendment previously filed on December 22, 2006.

#### **Long-Felt Need Is Strong Evidence of Nonobviousness**

Nonobviousness is further strengthened by strong evidence of a long-felt need in the industry for Applicant's claimed invention. As one commentator aptly explains it:

"The driving force behind innovation is the need for the improvement of existing technology. A defect in a product or process spurs the businessman to deploy resources for discovering a solution. . . . Existence of the defect creates a demand for its correction, and it is reasonable to infer that the defect would not persist were the solution 'obvious.' "

Note, "*Subtests of 'Nonobviousness': A Nontechnical Approach to Patent Validity*," 112 U. Pa. L. Rev. 1169, 1172 (1964).

Numerous court decisions, including those by the U.S. Supreme Court, affirm the value of a long-felt need as evidence of nonobviousness of a claimed invention. See, *Goodyear Tire & Rubber Co. v. Ray-O-Vac Co.*, 321 U.S. 275, 60 USPQ 386 (1944).

Applicant has enclosed herewith a declaration by a third party attesting to the fact that there has been a long-felt need for Applicant's claimed invention and that others in the industry have failed to meet this need. In particular, the enclosed declarations describe the existence of defects in prior art dispensers employing clips, the need and failures by others in the same state of art to satisfy this need, Applicant's satisfaction of

the long-felt need in direct relation to the features claimed herein, and the length of the need.

**SUMMARY**

Applicant encourages the Examiner to telephone the undersigned attorney if it appears that a telephone conference would facilitate allowance of the application.

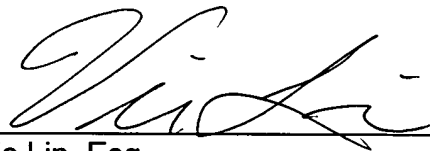
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 16, 2007

by Eric Hoover



Signature

Respectfully submitted,



Vic Lin, Esq.

Registration No. 43,754

Myers Dawes Andras & Sherman LLP  
19900 MacArthur Boulevard, 11<sup>th</sup> Floor  
Irvine, CA 92612

Tel: (949) 223-9600

Fax: (949) 223-9610

Customer No. 23386

Enclosures: Third party Declaration regarding Long-Felt Need